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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSEPH L. HELLERSTEIN, SHENG MA,
and DAVID A. RABENHORST

Appeal 2008-004874
Application 09/731,937
Technology Center 2400

Decided: April 22, 2010

Before JAMES D. THOMAS, HOWARD B. BLANKENSHIP, and
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-20, which are all the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).¹

We reverse.

¹ This appeal was only recently assigned to this merits panel.

Representative Claim

1. A computer-based method of constructing one or more correlation rules for use by an event management system for managing a network with one or more computing devices, the method comprising the steps of:

selecting one or more event patterns representing event data associated with the network of computing devices being managed by the event management system;

automatically learning predicates of the one or more correlation rules from the one or more selected event patterns; and

adding one or more corresponding actions to the one or more automatically learned predicates to form the one or more correlation rules.

Prior Art

Pohlmann	6,446,136 B1	Sep. 3, 2002 (filed Dec. 31, 1998)
Aravamudan	6,584,186 B1	Jun. 24, 2003 (filed Jan. 12, 2000)

Examiner's Rejections

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pohlmann and Aravamudan.

DISCUSSION

At the outset, we observe that the Evidence Appendix of the Appeal Brief contains evidence submitted under 37 C.F.R. § 1.131. The evidence was included with the Brief, apparently, in an abundance of caution because the Final Rejection seemed to apply a reference that had been withdrawn earlier in prosecution. We have not considered the Evidence Appendix beyond the indication in the inventors' declaration that alleges conception of the invention "at least as early as August 2000." Because the filing date of each of the references that are now applied is earlier than August 2000, the Rule 131 evidence is irrelevant in this proceeding.

Appellants' invention relates to a network event management system (EMS) that receives messages regarding exceptional conditions on the network that are called "events." An event message contains multiple attributes, such as the source, the type, and the time at which the event was generated. Spec. 1: 13-20. "Predicates" comprise logical statements about attribute values (*id.* at 7: 3-8). Appellants teach how to construct rules using a "left-hand side" that refers to the condition or predicate portion of a rule, and a "right-hand side" that specifies the action to be taken dependent on the results of an evaluation of the condition or predicate on the left-hand side. *Id.* at 4: 25 - 5: 2. In Appellants' system, an analyst (human being) and a machine interact to construct the correlation rules. *Id.* at 10: 5 *et seq.*

Appellants contend that the combination of Pohlmann and Aravamudan fails to teach automatically learning predicates of the correlation rules from selected event patterns. Br. 5-6. Appellants further contend that the combination fails to teach adding corresponding actions to the automatically learned predicates to form correlation rules. *Id.* at 6.

The Examiner finds that Pohlmann teaches automatically learning predicates of the one or correlation rules from the one or more selected event patterns (claim 1) at column 5, lines 45-51, column 6, lines 14-19, and column 5, lines 33-35. Ans. 4. The rejection turns to Aravamudan (col. 14, ll. 15-35) for the teaching of adding one or more actions to the automatically learned predicates to form the one or more correlation rules. Ans. 4. The Examiner shifts position, perhaps, in the Response to Argument section of the Answer, stating that Aravamudan teaches what the statement of the rejection relies on Pohlmann as teaching. The Examiner says, in fact, that automatically learning predicates of correlation rules from selected event patterns is “clearly shown” in Aravamudan at column 14, lines 15-35. Ans. 9. The same section of Aravamudan continues to be relied upon for the (additional) teaching of adding one or more actions to the automatically learned predicates to form the one or more correlation rules. *Id.*

However, Pohlmann, at the material referenced at columns 5 and 6, appears to describe a type of “event subscription” in which an event manager forwards an event message to a requester (subscriber) of the event. We find no teaching of automatically learning predicates as claimed. Aravamudan, at column 14, lines 15 through 35, does not “clearly” teach either of the automatic learning of predicates or the forming of correlation rules. The material at column 14 broadly describes a “policy server” that correlates two events and issues new policies to re-program network elements (e.g., elements that comprise a network firewall). While the correlation of events and the issuing of new “policies” could be seen as relating to actions taken in response to correlation rules, the reference does not provide detail sufficient to conclude that Aravamudan teaches either of

the limitations that the rejection attributes to the reference. In particular, the description at column 14 does not disclose or suggest that any kind of automated learning is required for correlating events and issuing new policies, and certainly does not disclose or suggest the automatic learning of predicates from selected event patterns as required by claim 1.

Each of the other independent claims on appeal (8 and 14) contains limitations similar to that for which the rejection of claim 1 fails, but are rejected on the basis of similar findings with respect to the alleged teachings of Pohlmann and Aravamudan. We are thus persuaded by Appellants that the § 103(a) rejection of claims 1-20 errs. We do not sustain the rejection.

DECISION

The rejection of claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Pohlmann and Aravamudan is reversed.

REVERSED

msc

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